

135 1641

Attorney Docket no: PHO-107 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Dees et al. )

Serial No.: 09/382,622 )

Filed: August 25, 1999 )

For: High Energy Phototherapeutics )  
Agents )

Examiner: G. Gabel )

Art Unit: 1641 )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents ,  
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January 10, 2005  
(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace 1/10/05  
Signature Date

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INFORMATION DISCLOSURE STATEMENT

TECH CENTER 1600/2900

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

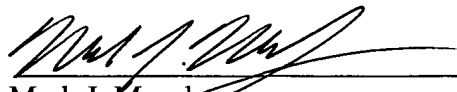
Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

As a RCE has recently been filed in this application, no fee is believed necessary for this IDS. If such a fee should be due, please charge our Deposit Account No. 50/1039 for any necessary IDS filing fee.

Respectfully submitted,

Date:

*January 10, 2005*

  
Mark J. Murphy  
Registration No. 34,225

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January 10 2005  
Shannon Wallace  
~~Shannon Wallace~~

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

***(Use as many sheets as necessary)***

Sheet 1 of 2

Application Number	09/382,622
Filing Date	August 25, 1999
First Named Inventor	Dees et al.
Art Unit	1641
Examiner Name	G. Gabel
Attorney Docket Number	PHO-107 DIV

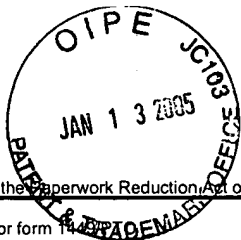
[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	5	WO 96/07431	3/14/1996	Gaboury et al.		
	6	WO 97/03697	2/6/1997	Bottiroli et al		
	7	WO 97/26920	7/31/1997	Hansjorg	English Abstract	

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/382,622
		Filing Date	August 25, 1999
		First Named Inventor	Dees et al
		Art Unit	1641
		Examiner Name	G. Gabel
Sheet 2	of 2	Attorney Docket Number	PHO 107 DIV

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	8	Xanthenes: Fluorone Derivatives, THE JOURNAL OF ORGANIC CHEMISTRY 57(1992) JULY 31, no. 16, Washington, DC pps 4418-4421	
	9	(Svensk Farmaceutisk Tidskrift (1973) 77 (13): 641-647 (Abstract)	
	10	Office Action dated December 3, 2004 for application no. 09/817,448.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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